

**19-3-103.5. Board authority and duties.**

- (1) The board may:
  - (a) make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that are necessary to implement the provisions of the Radiation Control Act;
  - (b) recommend that the director:
    - (i) issue orders necessary to enforce the provisions of this part;
    - (ii) enforce the orders by appropriate administrative and judicial proceedings; or
    - (iii) institute judicial proceedings to secure compliance with this part;
  - (c) (i) hold a hearing that is not an adjudicative proceeding; or
  - (ii) appoint hearing officers to conduct a hearing that is not an adjudicative proceeding;
  - (d) accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this part; or
  - (e) order the director to impound radioactive material in accordance with Section 19-3-111.
- (2) The board shall:
  - (a) prepare a radioactive waste management plan in compliance with Section 19-3-107 as soon as practicable;
  - (b) promote the planning and application of pollution prevention and radioactive waste minimization measures to prevent the unnecessary waste and depletion of natural resources;
  - (c) to ensure compliance with applicable statutes and regulations:
    - (i) review a settlement negotiated by the director in accordance with Subsection 19-3-108(3)(b) that requires a civil penalty of \$25,000 or more; and
    - (ii) approve or disapprove the settlement;
  - (d) submit an application to the U.S. Food and Drug Administration for approval as an accrediting body in accordance with 42 U.S.C. 263b, Mammography Quality Standards Act of 1992;
  - (e) accredit mammography facilities, pursuant to approval as an accrediting body from the U.S. Food and Drug Administration, in accordance with 42 U.S.C. 263b, Mammography Quality Standards Act of 1992; and
  - (f) review the qualifications of, and issue certificates of approval to, individuals who:
    - (i) survey mammography equipment; or
    - (ii) oversee quality assurance practices at mammography facilities.
- (3) The board may not issue, amend, renew, modify, revoke, or terminate any of the following that are subject to the authority granted to the director under Section 19-3-108:
  - (a) a permit;
  - (b) a license;
  - (c) a registration;
  - (d) a certification; or
  - (e) another administrative authorization made by the director.
- (4) A board member may not speak or act for the board unless the board

member is authorized by a majority of a quorum of the board in a vote taken at a meeting of the board.

Amended by Chapter 360, 2012 General Session